

## BEFORE BAR OF JUSTICE

DE SA IS BEHIND WITH ALIMONY

CONTEMPT CHARGE NOT PRESENTED BUT HE MUST PAY CASH  
JUST THE SAME.

Girl-Wife Wants a Divorce—Husband Alleged to Have Broken Agreements Made With Her Parents Before Marriage, Treating Her Very Brutally—Federal Court.

Francisco De Sa appeared in court yesterday morning accompanied by his counsel, A. G. Correa, to answer a motion filed by Attorneys Russell & Watson, to compel him to appear and show cause why he should not be fined for contempt of court in failing to pay his wife three dollars per week alimony, as ordered by Judge Humphreys on November 24th.

De Sa is a diminutive, delicate looking Portuguese, and claimed he had made barely enough to support himself during the past three weeks, and that part of the money he had earned was spent in the purchase of a mattress, as his wife had taken the only one they had when she left him.

Upon being questioned by the Court as to his earnings and expenditures he became a little confused. He said he was at present renting three rooms simply because he could not find a cheaper abode, and in one of these he had stored a stove which his wife did not carry away with her; and for the domicile he paid \$6.00 per month.

**Not For Contempt.**

When the defendant had concluded his testimony, Attorney Fred Russell arose and said to the Court:

"While I do believe De Sa might have paid my client something, still I scarcely think his case grave enough to warrant his being committed for contempt of court."

Attorney Correa, representing the defendant, had no trouble in reaching the same conclusion.

The Court admonished De Sa to be more frugal in the future, and to pay the \$3 alimony as ordered. At this point Attorney Russell arose and asked if the three weeks alimony amounting to \$9 would be remitted. "No," answered the Court, "De Sa may have a fortune left him some day, and he must then pay up."

**Child Asks Divorce.**

A libel for divorce has been filed with the Circuit Court and summons is issued for the libelee.

Through her attorney, C. C. Bittling, Jacintha Walsh asks for a divorce from her husband Patrick Walsh. The libel states that Walsh married

not a woman, but simply a child of tender years, who is not yet 14 years of age; and before the ceremony making them man and wife was performed by a Catholic priest in October of this year at Waiakoa, certain agreements and stipulations regarding his future actions were entered into between the parents of the child-wife and Walsh.

It now appears that he has ignored these agreements and has subjected his wife to treatment most inhuman and brutal.

There seem to be some special laws in the Territory which may apply to this case.

### Supreme Court Decision.

An opinion has been handed down from the Supreme Court in the case of C. D. Pringle vs. Hilo Mercantile Company, Limited.

The substance of the case is that only nine out of the twelve jurors agreed upon a verdict. The suit was one of trespass tried at the last January term of the Circuit Court.

The decision of the Supreme Court says: "Whatever force the former status of Hawaii, which permitted verdicts to be rendered by nine of twelve jurors may have had during the period intervening between the annexation of these islands to the United States, and the establishment of the Territorial Government, it would seem to be clear since the latter event unanimity of verdicts has been essential. See Organic Act, Section 5-6-55; American Publishing Co. vs. Fisher, 166 United States 464, Springfield vs. Thomas, 107, Thompson vs. Utah, 170 Id. 343, Capital Traction Company vs. Hoff, 174 Id. 1. But since a civil case tried by a jury may be waived altogether, one element namely unanimity, may likewise be waived. See Evans vs. Gee, 11 Pet. 58; Cowles vs. Buckman, 6 Id. 161.

"In this case the plaintiff in error must be held to have waived the requirement of unanimity, for the instruction of the Court to the jury that a verdict might be rendered by nine jurors, was given at his express written request. The writ was dismissed, and the case remitted to the Circuit Court."

C. C. Bittling for plaintiff; F. W. Hankey for defendant.

### Court Notes.

The annual report of the trustees of the B. P. Bishop Museum was filed yesterday. It shows that the institution's income for the year just ended was \$25,000 in excess of expenditures. The trustees report substantial progress on the construction of Hawaiian Hall, which is to contain Hawaiian Entomological specimens. Difficulty in getting koa wood for the cases has delayed the work to an extent.

Elizabeth K. Smithies applied for a divorce from Archibald J. Smithies through her attorneys Robertson & Wilder under the plea of non-support. On the same plea, through J. A. Magoon & F. J. Dillon as counsel Katie Aukai asks for a legal separation from her husband Charles.

### Federal Court.

The case of H. Hamano in an ap-

peal from a ruling as to customs duties, was to have been heard by Judge Estee yesterday morning, but owing to the indisposition of Col. Thomas Pritch, who represents the plaintiff, the case has been passed until after the hearing of the first Pearl Harbor case.

Charles Silverhorn, a former citizen of Germany, was yesterday made a citizen of the United States by Judge Estee.

Judge Estee yesterday excused the remainder of the jury panel who sat on the lengthy Pearl Harbor case.

### JUGGLING ON MAUI.

Kaialani Takes Cargo of Plantation Goods to Kahului.

### [SPECIAL CORRESPONDENCE.]

WAILUKU, Dec. 16.—Mohammed Kahn, a Hindoo juggler and sleight of hand performer, gave two entertainments in the Wailuku Court house on Friday and Saturday nights. There were very few people at either of the performances, although this did not stop Mohammed from performing his

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tricks. Both entertainments were quite enjoyable to those who were present.

The steamer Kaialani, Captain Dow, arrived at Kahului yesterday with a load of plantation goods from Nahi-ku. She started unloading this Nahi-ku material this morning, and she has agreed to take the cane cars now at Kahului for the Hana Plantation.

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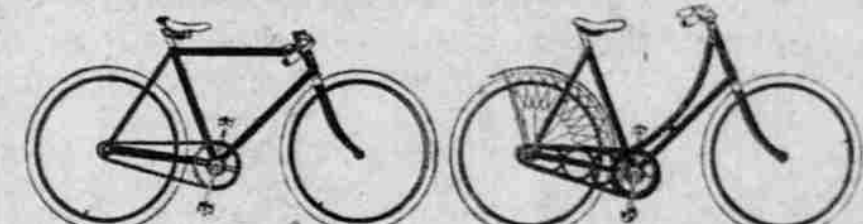
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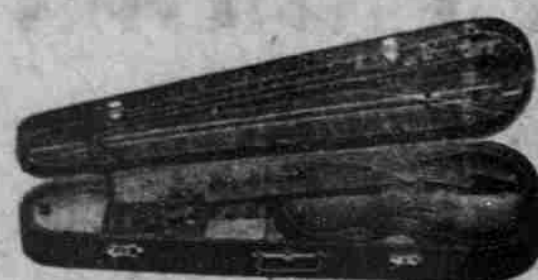
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